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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 30 June 2015 from the Secretary-General addressed to the President of the General Assembly

In accordance with the provision of paragraph 6 (h) of General Assembly resolution ES-10/17, adopted on 15 December 2006, I have the honour to transmit herewith a progress report, dated 19 June 2015, from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 19 June 2015 from the members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory addressed to the Secretary-General

We have the honour to provide the progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly in accordance with paragraph 6 (h) of Assembly resolution ES-10/17 (see enclosure).

We request that the progress report be issued as a document of the General Assembly. Our 2009, 2010, 2011, 2012, 2013 and 2014 progress reports were issued as documents A/ES-10/455, A/ES-10/498, A/ES-10/522, A/ES-10/598, A/ES-10/599 and A/ES-10/658, respectively.

(*Signed*) Ronald **Bettauer**
Member of the Board

(*Signed*) Harumi **Hori**
Member of the Board

(*Signed*) Matti **Pellonpää**
Member of the Board

Enclosure

Progress report from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

1. The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (the Register of Damage) provides this progress report, in accordance with paragraph 6 (h) of General Assembly resolution ES-10/17, covering the period from 20 June 2014 to 19 June 2015. Our 2009, 2010, 2011, 2012, 2013 and 2014 progress reports were contained in documents A/ES-10/455 (2009), A/ES-10/498 (2010), A/ES-10/522 (2011), A/ES-10/598 (2012), A/ES-10/599 (2013) and A/ES-10/658 (2014), respectively. Board progress reports, as well as other basic documents pertinent to the work of the Register of Damage, are posted on the Register's website, www.unrod.org.

2. During the reporting period, the Register of Damage continued to collect, process and consider claim forms for inclusion in the Register in accordance with its Rules and Regulations Governing Registration of Claims.

3. Since its launch in 2008, the community outreach campaign has covered 226 communities with a population of approximately 909,000 in the governorates of Jenin, Tubas, Tulkarem, Qalqiliya, Salfit, Ramallah, Hebron and Bethlehem, as well as in some communities around East Jerusalem. Thousands of printed posters and leaflets were distributed to inform potential claimants of the requirements for completing a claim for registration of damage. In addition, over a hundred meetings were held during the reporting period by the Register of Damage claim intakers with governors, mayors, local councils and potential claimants in the areas covered by the outreach campaign. Moreover, the Register of Damage organized two specialized training sessions for mayors and local council officials from the Bethlehem governorate on legal and organizational aspects of claim intake in their communities.

4. By 19 June 2015, 48,048 claim forms for registration of damage and over 800,000 of supporting documents had been collected and delivered to the Office of the Register of Damage in Vienna. Claim intake activities have been carried out in six of nine affected governorates — Tubas, Jenin, Tulkarem, Qalqiliya, Salfit, Hebron — are nearly completed in Ramallah and are ongoing in Bethlehem and Jerusalem.

5. As of 19 June 2015, the Board decided to include most or all of the losses set out in 18,138 claim forms and excluded 707 claim forms where none of the losses met the eligibility criteria, bringing the total number of decided claims to 18,845.

6. During the past year, the Office of the Register of Damage accelerated processing of the claim forms. However, despite the diligent and dedicated work of the secretariat and the intensive work of the Board, there is a considerable gap between the number of claim forms collected and the number processed by the Vienna Office.

7. Since its previous report, the Board has held five meetings in Vienna to review claim forms that had been translated, processed and individually reviewed by the

Office staff. The Board met from 8 to 12 September, 3 to 7 November and 8 to 12 December 2014, and from 16 to 20 March and 15 to 19 June 2015. At the five meetings, respectively, the Board reviewed and decided to include in the Register most or all of the losses set out in 1,294 claim forms, 850 claim forms, 703 claim forms, 1,378 claim forms and 1,399 claim forms. At its September, November, December, March and June meetings, respectively, the Board decided not to include in the Register 8 claim forms, 5 claim forms, 10 claim forms, 9 claim forms and 15 claim forms, since none of the losses in the forms met the eligibility criteria in the Rules and Regulations of the Register.

8. The claim forms reviewed during the reporting period included 4,844 containing category A (agriculture) losses, 526 containing category B (commercial) losses, 176 containing category C (residential) losses and 349 containing category E (access to services) losses.

9. The Board, in its review of claims, continued to apply the eligibility criteria in accordance with article 11 of the Rules and Regulations Governing Registration of Claims. In view of the limited time available and the large number of claims for losses included in claim forms submitted to the Board for review by the Office staff, the Board continued to employ sampling techniques as provided for in article 12 (3) of the Rules and Regulations. During the five meetings covered by this report, Board members reviewed in detail approximately 9.6 per cent of representative claims for losses included on the claim forms submitted for review. As indicated in the 2012 Board report, the Executive Director of the Register consulted informally a statistician concerning the sampling methodology; he advised that this level of sampling is reliable. Claims that did not meet the eligibility criteria were either excluded from the Register or returned to the claimants in order for them to provide clarification.

10. Previous Board progress reports identified some of the issues addressed and decisions reached during the previous reporting period. The following are among the issues addressed and decisions reached by the Board during the present reporting period:

(a) Legacy claims and claims by heirs: The Board decided to accept for registration "legacy" claims on behalf of deceased persons where the claim is made on behalf of a deceased person regarding losses incurred during that person's lifetime by a mandatory heir under Sharia law (a deceased person's spouse, sons, daughters and parents) or a confirmed heir, as evidenced in a certificate of legacy or other document. Where there is no legacy claim that overlaps in time period, claims of a mandatory heir are registered in the same manner as claims for losses caused by the Wall incurred by the deceased, noting the date the heir's legal interest arose. In cases where a claimant submits two claims for the same plot of land, one on behalf of a deceased person and one in his own name, the Board decided that both claims could be included in the Register where there are no competing claims and the dates of legal interest and loss do not overlap;

(b) Loss of access to marketplace: The Board decided to include loss of income resulting from claimants' lack of access to marketplaces caused by the Wall, but where the claimant also claimed loss of produce in connection with the claimed loss of access to marketplace, the Board decided to exclude the claimed loss of produce because the lands were not affected and could as such have the same level of production after the construction of the Wall as before;

(c) Theft of property in the Occupied Palestinian Territory on the Israeli side of the Wall: Some claimants asserted that because they could not get to their property behind the Wall, it was plundered, e.g., saplings stolen and houses looted. The Board decided that the acts of theft constitute intervening illegal acts by individuals and cannot be deemed to be directly caused by the construction of the Wall. (This situation is different from that of loss caused by fire. See paragraph 11 (a) of the Board's 14 June 2013 report, contained in document A/ES-10/599);

(d) Rental arrangements: The Board decided that, in cases where claimants were renting land from a lessor who subsequently passed away and the claimants assert they continued to rent the land, in the absence of contrary information, the claimants will be deemed to have continued to rent the land from the heirs of the lessor;

(e) Road closures: The Board decided that in cases where claimants needed to take detours to reach their lands owing to road closures attributable to the construction of the Wall, additional transportation should be included in the Register. In addition, as these claimants would have been subject to delays and searches at checkpoints along the route, restricted access to land may be recorded, even if the claimants do not assert that they were prevented from reaching the land;

(f) Guard towers: The Board decided to include losses relating to the construction of guard towers where the towers were constructed during or around the time of the construction of the Wall, apparently for the purpose of Wall surveillance, even though the towers are situated some distance away from the Wall;

(g) Demolition of residence: In cases where a claimant asserts that his or her house was demolished owing to its proximity to the Wall and at the same time provides a document, such as an International Red Cross certificate, stating that the house was destroyed because of lack of permit, the Board decided that the document should not automatically exclude the loss from registration, as many houses in the area lacked permits; such claim will be reviewed as a whole and the loss may be included in the Register if the house was along or proximate to the route of the Wall, was demolished at or around the time of the construction of the Wall and the claim otherwise meets the eligibility criteria;

(h) Rerouting of the Wall: In cases where the Wall was rerouted, often as a result of an Israeli Supreme Court decision, the Board decided that losses previously decided to be recorded as "continuing" may have to be reassessed, taking into account the new facts on the ground;

(i) Late arrival of fire brigades: The Board decided that the late arrival of fire brigades to fires in villages in the Occupied Palestinian Territory could be the basis for claims in cases where it is shown to be probable that the fire brigade had to cross the Wall and that its arrival was delayed for an extended period, but that the amount of the loss reflected in the Register would have to be marked as unclear, since it was likely that a fire would have caused damage regardless of when the fire brigade arrived;

(j) Peddlers: The Board decided that persons who travelled to Israel to peddle goods prior to the construction of the Wall, but could no longer do so because of the Wall, could have business loss claims considered for registration.

11. As before, the Board would like to express its appreciation for the indispensable cooperation extended by the Palestinian Authority and the Palestinian National Committee for the Register of Damage, as well as for the support provided by local governors, mayors and members of village councils on many practical aspects, without which outreach and claim-intake activities could not be undertaken successfully. As for the Government of Israel, it continues to consider that any claims in relation to damage caused by the construction of the Wall should be addressed through the existing Israeli mechanism. On the practical level, the Executive Director of the Register of Damage continues to maintain constructive contacts with relevant Israeli authorities and, during the reporting period, the Office of the Register of Damage did not experience any problem with access, freedom of movement, security, delivery of needed materials or issuance of required visas.

12. The Board of the Register of Damage notes with satisfaction the good cooperation with United Nations agencies and offices present on the ground in the Occupied Palestinian Territory, as called upon in paragraph 14 of General Assembly resolution ES-10/17. The Board particularly appreciates the efficient and tangible contribution provided by the United Nations Office for Project Services in the areas of logistics, procurement, human and financial resources, and management in support of the Register of Damage. During the reporting period, the Register of Damage also continued to benefit from advice and cooperation with the Department of Political Affairs of the Secretariat and the United Nations Special Coordinator for the Middle East Peace Process and his Office.

13. The outreach and claim-intake activities in the Occupied Palestinian Territory, which are currently conducted by eight Register of Damage claim intakers, have been funded by voluntary contributions from 21 donors. The Governments of Algeria, Austria, Azerbaijan, Belgium, Brunei Darussalam, Finland, France, Jordan, Kazakhstan, Malaysia, Malta, Morocco, the Netherlands, Norway, the Philippines, Qatar, Saudi Arabia, Switzerland and Turkey, as well as the European Commission and the OPEC Fund for International Development (OFID), have donated over US$6 million. Note may be taken that several Governments as well as OFID have provided donations to the Register of Damage two or more times.

14. The Board would like to express its appreciation to these donors for providing funding and political support enabling the implementation of the provisions of General Assembly resolution ES-10/17. Nevertheless, the resources that are currently available will be exhausted by the end of October 2015, thus putting into question the continuation of the claim-intake activity in the Occupied Palestinian Territory.

15. The Board commends the diligent and dedicated work of the staff of the Register.

16. The Board of the Register of Damage will continue to provide periodic reports.

Members of the Board of the Register of Damage
Vienna, 19 June 2015